

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

IN RE:

CEDRIC TYRELL PAGE, SR., AKA  
CEDRIC T. PAGE, SR.  
ANGELA MOORE PAGE, AKA ANGELA  
M. PAGE, AKA ANGELA PAGE  
Debtors

Case No. 15-31584-KRH  
(Chapter 13)

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TRUMAN CAPITAL HOLDINGS, LLC  
P.O. BOX 52708  
IRVINE, CA 92619-2708  
Movant

v.

CEDRIC TYRELL PAGE, SR., AKA  
CEDRIC T. PAGE, SR.  
5000 FARADAY DRIVE  
CHESTER, VA 23831

ANGELA MOORE PAGE, AKA ANGELA  
M. PAGE, AKA ANGELA PAGE  
5000 FARADAY DRIVE  
CHESTER, VA 23831  
(Debtors)

CARL M. BATES  
P. O. BOX 1819  
RICHMOND, VA 23218  
(Trustee)  
Defendants

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**MOTION FOR RELIEF FROM AUTOMATIC STAY**

Truman Capital Holdings, LLC (“Truman Capital Holdings, LLC”) by  
undersigned counsel, respectfully moves this Honorable Court to terminate the Automatic  
Stay and, as grounds therefore, states as follows:

1. This proceeding seeking relief under Section 362 of the U.S. Bankruptcy

Code is a contested matter within the meaning of 9014 and 4001 of the Federal Rules of

Bankruptcy Procedure, and this court has jurisdiction over this matter pursuant to 28 U.S.C. Section 157.

2. On March 25, 2015, the above named debtor, Cedric Tyrell Page, Sr., aka Cedric T. Page, Sr. and Angela Moore Page, aka Angela M. Page, aka Angela Page (“Debtor”), filed in this court a Petition under Chapter 13 of the United States Bankruptcy Code. This case was previously a Chapter 7, and converted to a Chapter 13 on August 6, 2015. Carl M. Bates was appointed Chapter 13 Trustee

3. On or about August 2, 2004, the Debtor executed and delivered to Mortgageit, Inc. a Note in the amount of SIXTY-FOUR THOUSAND and 00/100 dollars (\$64,000.00), plus interest at the rate of 10.990% per annum to be paid over fifteen (15) years. A copy of the Note is attached as Exhibit “A” and incorporated herein.

4. To secure the repayment of the sums due under the Note, the Debtors executed and delivered to Mortgageit, Inc. a Deed of Trust dated August 2, 2004 encumbering the real property (“Property”) described as:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH IMPROVEMENTS THEREON AND APPURTENANCES THERETO BELONGING, LYING AND BEING IN CHESTERFIELD COUNTY, VIRGINIA BEING KNOWN AND DESIGNATED AS LOT 36, SECTION FOUR, ON SUBDIVISION PLAT MADE BY TIMMONS, ENGINEERS, SURVEYORS, LANDSCAPE ARCHITECT, ECT., SAID PLAT OF STONEY GLEN SOUTH, DATED OCTOBER 24, 2003, RECORDED IN THE CLERK'S OFFICE, CIRCUIT COURT OF CHESTERFIELD COUNTY, VIRGINIA, ON NOVEMBER 12, 2003 IN PLAT BOOK 139, PAGE 2 AND 3, REFERENCE TO WHICH PLAT IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE SAID PROPERTY HEREIN CONVEYED HEREIN.

BEING A PART OF THE SAME PROPERTY CONVEYED TO THE REEDS LANDING CORPORATION, BY DEED FROM THE THOMAS COMPANY, LLC, A VIRGINIA LIMITED LIABILITY COMPANY, DATED AUGUST 11, 2000, RECORDED AUGUST 11, 2000, IN THE CLERK'S OFFICE, CIRCUIT COURT, CHESTERFIELD COUNTY, VIRGINIA, IN DEED BOOK 3884 PAGE 336.

which has the address of 5000 Faraday Drive, Chester, VA 23831. The Deed of Trust was recorded in the Clerk’s Office of Chesterfield on January 12, 2005. A copy of the Deed of Trust is attached as Exhibit “B” and incorporated herein.

5. The Note was later transferred to Truman Capital Holdings, LLC and Truman Capital Holdings, LLC is the holder of the Note

6. A copy of the Assignment is attached hereto as Exhibit “C” and incorporated herein.

7. As of February 5, 2016, the Debtors owe an unpaid principal balance of \$61,147.15 under the Note, plus additional accruing interest, late charges, attorneys’ fees and costs.

8. As of February 5, 2016, the Debtors are post-petition due for November 1, 2015, which includes the following missed payments:

Periodic Payments in Arrears	Number of Missed Payments	From	To	Payment Amount	Total Due
Post - Petition Payments	4	11/01/2015	02/01/2016	\$609.00	\$2,436.00
Suspense:					(\$0.00)
Total Payments Past Due					\$2,436.00

9. The scheduled market value of the Property is \$356,000.00.

10. The Debtors are in default under the Note.

11. The Debtors have not and cannot offer Truman Capital Holdings, LLC adequate protection of its interest in the Property, and Truman Capital Holdings, LLC avers it is not adequately protected.

12. Cause exists to terminate the Automatic Stay.

**13. THE DEADLINE TO FILE A RESPONSE TO THIS MOTION FOR RELIEF FROM THE AUTOMATIC STAY IS FOURTEEN (14) DAYS AFTER SERVICE OF THIS MOTION, WHICH IS THE DATE SHOWN ON THE CERTIFICATE OF SERVICE.**

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

- a. Relief from the stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property and/or allowing Movant, through its agents, servicers and representatives to contact Debtors and/or Debtors' counsel for the purpose of engaging in discussions and consideration for possible loss mitigation options, solutions and/or resolutions with regard to the underlying mortgage and note, including, but not limited to loan modification, deed in lieu or other loss mitigation alternatives.
- b. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- c. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
- d. That it be exempted from further compliance with Fed. Rule Banker. P. 3002.1 in the instant bankruptcy case.
- e. For such other relief as the Court deems proper.

Respectfully submitted,

/s/ Kathryn E. Smits  
Kathryn E. Smits, Bar #77337  
ksmits@atlanticlawgrp.com  
Attorneys for the Movant  
Atlantic Law Group, LLC  
PO Box 2548  
Leesburg, Virginia 20177  
(703) 777-7101

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Motion for Relief from Automatic Stay were mailed by first class mail, postage-paid, and served electronically, where applicable, this 2nd day of March, 2016 to the following parties:

Cedric Tyrell Page, Sr.  
5000 Faraday Drive  
Chester, VA 23831  
Debtor  
*Via first class mail*

Angela Moore Page  
5000 Faraday Drive  
Chester, VA 23831  
Debtor  
*Via first class mail*

Richard O. Gates  
P.O. Box 187  
Chesterfield, VA 23832  
Attorney for the Debtor  
*Via first class mail and electronic*

Carl M. Bates, Trustee  
P. O. Box 1819  
Richmond, VA 23218  
*Via first class mail and electronic*

/s/ Kathryn E. Smits  
Kathryn E. Smits, Esquire